

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
December 14, 2005

ITEM: 7

SUBJECT: NPDES Permit Reissuance: Encina Wastewater Authority, Encina Water Pollution Control Facility and Satellite Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Encina Ocean Outfall, San Diego County (Tentative Order No. R9-2005-0219, NPDES Permit No. CA0107395) (*Victor Vasquez*)

PURPOSE: To adopt updated waste discharge requirements and NPDES permit for the treatment and disposal to the Pacific Ocean of up to 43.3 million gallons per day (MGD) of at least secondary treated effluent from the Encina Wastewater Authority's Encina Water Pollution Control Facility and Vallecitos Municipal Water District's Meadowlark Water Reclamation Plant, and waste brine and at least secondary treated effluent from the Carlsbad Municipal Water District's Carlsbad Water Recycling Facility. This Order would, if adopted, update and replace Order No. 2000-036.

PUBLIC NOTICE: The public notification for this item is the Regional Board Meeting Agenda Notice for the December 14, 2005 meeting. The Agenda Notice was distributed on Friday, November 18, 2005. The original NPDES permit hearing notice for the tentative Order was published in the North County Times newspaper on September 6, 2005 for the Regional Board meeting scheduled for October 12, 2005. Copies of the tentative Order were mailed on September 2, 2005 to the Encina Wastewater Authority and to all known interested parties and agencies. Copies were made available for public review at the Regional Water Board office on September 2, 2005. The tentative Order was also posted on the Regional Board's website on September 7, 2005.

DISCUSSION: At its October 12, 2005 meeting, the Regional Board conducted the public hearing to consider the adoption of tentative Order No. R9-2005-0219. An Errata Sheet containing proposed additional revisions to the tentative Order in response to

comments received as well as additions and clarifications from Regional Board staff was provided to the Regional Board prior to the October 12, 2005 meeting. At the time of the October meeting, Encina Wastewater Authority (EWA) contended that it did not have the legal agreements in place with its member agencies with satellite facilities discharging through the Encina Ocean Outfall (EOO) to ensure that the satellite facilities will comply with the requirements of the tentative Order. EWA requested that Regional Board action to adopt the tentative Order be continued to the December 14, 2005 meeting to allow EWA to establish agreements with its member agencies that own the satellite facilities. The Regional Board agreed that it was appropriate to grant the continuance. Regional Board legal counsel recommended that, if the continuance is granted, the public hearing for the matter be closed, and the Regional Board concurred. Since no additional public discussion will be allowed regarding the adoption of the tentative Order, all parties involved agreed that it was appropriate to schedule the adoption of the tentative Order on the consent calendar for the December 14, 2005 Regional Board meeting agenda.

As of November 30, 2005, EWA has reported that it has not established the agreements with its member agencies; however, EWA has reported that it anticipates success in establishing the agreements based on preliminary discussions between EWA and the member agencies. EWA is fully aware that upon adoption of the tentative Order on December 14, 2005, the requirements of the Order will become effective on January 1, 2006, and EWA will be responsible for ensuring that all facilities discharging through the EOO comply with the requirements of the Order.

The agreements referred to by EWA are not a necessary condition for the Regional Board's adoption of the tentative Order. The requirements of the tentative Order will apply to the satellite treatment plants and land outfalls associated with the EOO in the same manner that the requirements of Order No. 2000-036, the previous NPDES permit for discharges through the EOO, applied to the satellite facilities. EWA has been legally responsible for any NPDES permit non-compliance that occurs from the satellite facilities although EWA is not the owner of the satellite facilities.

SUPPORTING DOCS:

Additional information and supporting documents regarding the tentative Order were provided to the Regional Board in the

agenda mailings for Item No. 6 for the October 12, 2005 Regional Board meeting. These materials are also available through the Regional Board website at <http://www.waterboards.ca.gov/sandiego/rb9board/Oct-05.html>.

RECOMMENDATION:

Adoption of Tentative Order No. R9-2005-0219, NPDES Permit No. CA0107395, with errata, is recommended whether or not the referenced agreements are reached between the EWA and its member agencies.